IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA)
	Plaintiff,) 8:07CR323)
	VS.) DETENTION ORDER
RO	BERT HEATHER,)
	Defendant.	,
A.	Order For Detention After conducting a detention hearing pursuant Act on October 25, 2007, the Court order pursuant to 18 U.S.C. § 3142(e) and (i).	nt to 18 U.S.C. § 3142(f) of the Bail Reform s the above-named defendant detained
B.	The Court orders the defendant's detention X By a preponderance of the evide conditions will reasonably assure the	because it finds: ence that no condition or combination of appearance of the defendant as required. t no condition or combination of conditions
C.	violation of 21 U.S.C. § 84 years imprisonment and a (b) The offense is a crime of (c) The offense involves a na	s Report, and includes the following: e offense charged: methamphetamine with intent to deliver in 1(a)(1) carries a minimum sentence of five a maximum of forty years imprisonment. violence.
	may affect wheth The defendant hat X The defendant hat X The defendant hat The defendant of ties. Past conduct of to The defendant hat X The defendant hat X The defendant hat X The defendant hat X The defendant hat Court proceeding	ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. Idea not have any significant community the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at its. arrest, the defendant was on:

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		(c)	Other	Facto	rs:
		. ,		The	e defendant is an illegal alien and is subject to
					portation.
					e defendant is a legal alien and will be subject to contation if convicted.
				The (BIC	e Bureau of Immigration and Custom Enforcement CE) has placed a detainer with the U.S. Marshal.
				Óth	er:
X	(4)				seriousness of the danger posed by the defendant's ows: the nature of the charges in the Indictment, the
		defen		extens	sive criminal history, and the commission of the offense
V	(=)	D	44 - 1 1 - 1		and the same
X	(5)	Kebu In dot	ttable i	<u>resu</u>	mptions the defendant should be detained, the Court also relied
					the defendant should be detained, the Court also relied uttable presumption(s) contained in 18 U.S.C. § 3142(e)
					ds the defendant has not rebutted:
	X				ondition or combination of conditions will reasonably
		(a)	assure	the a	appearance of the defendant as required and the safety
					person and the community because the Court finds that
					volves:
				_	A crime of violence; or
				(2)	An offense for which the maximum penalty is life
				()	imprisonment or death; or
			X	(3)	A controlled substance violation which has a maximum
				` ,	penalty of 10 years or more; or
				(4)	A felony after the defendant had been convicted of two
				` ,	or more prior offenses described in (1) through (3)
					above, and the defendant has a prior conviction for one
					of the crimes mentioned in (1) through (3) above which
					is less than five years old and which was committed
					while the defendant was on pretrial release.
X (b) That no condition or combination of conditions will reasonably					
assure the appearance of the defendant as required and the safety					
of the community because the Court finds that there is probable					
cause to believe:					
			<u>X</u>	(1)	That the defendant has committed a controlled
					substance violation which has a maximum penalty of
					10 years or more.
				(2)	That the defendant has committed an offense under 18
					U.S.C. § 924(c) (uses or carries a firearm during and in
					relation to any crime of violence, including a crime of
					violence, which provides for an enhanced punishment
					if committed by the use of a deadly or dangerous
					weapon or device).

 D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending

 appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 26, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge